

405 KAR 16:150. Disposal of noncoal mine waste.

RELATES TO: KRS 350.020, 350.090, 350.465

STATUTORY AUTHORITY: KRS Chapter 13A, 350.028, 350.465

NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter 350 in pertinent part requires the cabinet to promulgate rules and administrative regulations establishing performance standards for protection of people and property, land, water and other natural resources, and aesthetic values, during surface mining activities and for restoration and reclamation of surface areas affected by mining activities. This administrative regulation sets forth requirements for the storage and disposal of wastes other than coal mine waste, soil or rock.

Section 1. Storage and Disposal. (1) Storage. Noncoal mine wastes including, but not limited to, grease, lubricants, paints, flammable liquids, garbage, abandoned mining machinery, lumber and other combustibles generated during surface mining activities shall be placed and stored in a controlled manner in a designated portion of the permit area. Placement and storage shall ensure that leachate and surface run-off do not degrade surface or ground water, that fires are prevented, and that the area remains stable and suitable for reclamation and revegetation compatible with the natural surroundings.

(2) Disposal. Final disposal of such noncoal mine wastes shall be in a designated disposal site in the permit area or a state-approved solid waste disposal area. Disposal sites in the permit area shall be designed and constructed to ensure that leachate and drainage from the site do not degrade surface or ground water. Wastes shall be routinely compacted and covered to prevent combustion and wind-borne waste. When the disposal is completed a minimum of two (2) feet of soil cover shall be placed over the site, slopes stabilized, and revegetation accomplished in accordance with 405 KAR 16:200. Operation of the disposal site shall be conducted in accordance with all local, state, and federal requirements.

(3) At no time shall any noncoal mine waste be deposited in a refuse pile or impounding structure, nor shall any such excavation for waste disposal be located within eight (8) feet of any coal outcrop or coal storage area.

(4) Disposal of hazardous and solid waste other than "coal mining solid waste" (as defined by administrative regulations of the Division of Waste Management) shall not be conducted on the permit area, unless a permit is obtained from the Kentucky Division of Waste Management. (8 Ky.R. 1546; eff. 1-6-1983; 15 Ky.R. 471; eff. 12-13-1988; Crt eff. 7-3-2018.)